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Attorneys for Plaintiff
SPY OPTIC, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SPY OPTIC, INC., a California corporation,

Plaintiff

vs.

WEST COAST DEALS, INC., a California
corporation doing business as
WWW.HBSUNGLASSCOMPANY.COM;
and DOES 1 through 5, inclusive

Defendants

WEST COAST DEALS, INC., a California
corporation doing business as
WWW.HBSUNGLASSCOMPANY.COM,

Counterclaimant

vs.

SPY OPTIC, INC., a California corporation,
and ROES 1 through 5, inclusive,

Counterdefendants

Case No. 08CV0384 IEG RBB

**REPLY OF PLAINTIFF SPY
OPTIC, INC. TO
COUNTERCLAIMS OF WEST
COAST DEALS, INC.**

1 **COUNTERCLAIMS**

2 Plaintiff and Counterdefendant Spy Optic, Inc. ("Spy") hereby responds to
3 Defendant and Counterclaimant West Coast Deals, Inc. dba
4 www.hbsunglasscompany.com's Counterclaims as follows:

5 **JURISDICTION**

6 1. Replying to paragraph 1 of the Counterclaims, Spy admits that
7 jurisdiction is proper for the stated Counterclaims.

8 **THE PARTIES**

9 2. Replying to paragraph 2 of the Counterclaims, Spy admits upon
10 information and belief that Counterclaimant is a California corporation with its
11 principal place of business in Huntington Beach, California. Spy further admits that
12 Counterclaimant sells sunglasses on its internet website.

13 3. Replying to paragraph 3 of the Counterclaims, Spy admits the
14 allegations contained therein.

15 **FIRST COUNTERCLAIM**

16 **(Declaratory Relief)**

17 4. Replying to paragraph 4 of the Counterclaims, Spy realleges and adopts
18 for reference herein its answers to paragraphs 1-3 of the Counterclaims as though
19 fully set forth herein.

20 5. Replying to paragraph 5 of the Counterclaims, Spy admits the
21 allegations contained therein.

22 6. Replying to paragraph 6 of the Counterclaims, Spy admits that there is
23 an actual and continuing justiciable controversy between the parties regarding the
24 alleged infringement of the asserted patents. Spy further admits that Counterclaimant
25 contends that it has not infringed the patents-in-suit.

26 7. Replying to paragraph 7 of the Counterclaims, Spy admits that there is
27 an actual and continuing justiciable controversy between the parties regarding the
28 alleged invalidity of the asserted patents. Spy further admits the remaining

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1 allegations contained therein.

2 8. Replying to paragraph 8 of the Counterclaims, Spy admits that
3 Counterclaimant desires a judicial determination of the issues alleged in paragraphs
4 8(a)-(f). Spy denies the truth and accuracy of each and every one of the charging
5 allegations asserted in paragraphs (a)-(f) regarding the non-infringement, lack of
6 enforceability, and invalidity of the asserted patents under the provisions of U.S.C.
7 Title 35.

8 9. Replying to paragraph 9 of the Counterclaims, Spy admits that a judicial
9 declaration is necessary and appropriate regarding the rights and duties of the parties
10 concerning the asserted patents.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Spy Optic, Inc. judgment as follows on Defendant's
13 Counterclaims:

14 A. That Defendant takes no relief sought by reason of its counterclaims.

15 B. That this Court award Spy Optic, Inc. its attorneys' fees and costs of suit
16 against Defendant on Defendant's Counterclaims.

17 C. That this Court award Spy Optic, Inc. all other relief that the Court
18 deems just and proper.

19 Dated: May 15, 2008

20 STETINA BRUNDA GARRED & BRUCKER

21
22 By: s/Stephen Z. Vegh
23 Kit M. Stetina
24 Stephen Z. Vegh
25 Attorneys for Plaintiff
26 SPY OPTIC, INC.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 15, 2008, a true and correct copy of the foregoing was served via electronic mail upon all counsel.

s/Stephen Z. Vegh

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